

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

GEORGE FREEMAN JONES,

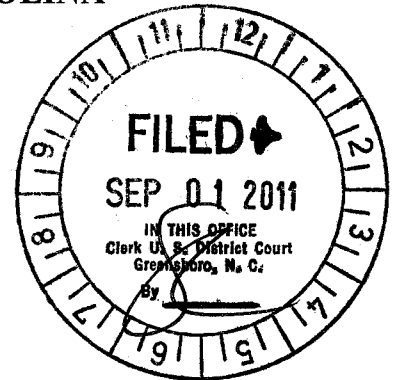
Petitioner,

v.

ALVIN W. KELLER, JR.,

Respondent.

1:10CV964

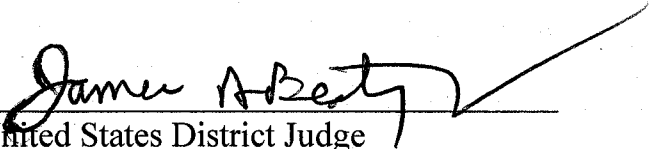


O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on June 29, 2011, was served on the parties in this action. On July 14, 2011, Petitioner filed in this court a "notice of appeal" which the Court will treat as objections to the Recommendation. The notice does not indicate any intention to appeal to the Fourth Circuit; rather, the "appeal" appears to be pursuant to Rule 72(b).

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Respondent's motion for summary judgment [Docket No. 5] is **GRANTED**, that Petitioner's petition for writ of habeas corpus [Docket No. 2] is **DENIED**, and that this action is dismissed with prejudice. A judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.



United States District Judge

Date: September 1, 2011